

CITY OF MINNEAPOLIS

Rental Dwelling License Board of Appeals

**In the matter of the Rental
Dwelling License held by
Jim Eischens for the
Premises at 1103 5th Street Southeast
Minneapolis, Minnesota**

FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATION

This matter came on for hearing before the Rental Dwelling License Board of Appeals on February 12, 2002 in Room 333, City Hall, board chair Brian Bushay presiding. Other board members present were Clint T. Blaiser, Daisy Barton, Fathia Warsam, Wayne Jensen and Paul Thomas Kjornes. Assistant City Attorney Henry T. Reimer was present. Jennifer Saunders, Assistant City Attorney, represented the Inspections Division. The Licensee, Jim Eischens, was present and was represented by Mark D. Christopherson, Esq. Of Larkin, Hoffman, Daly & Lindgren.

FINDINGS OF FACT

1. Jim Eischens holds a rental dwelling license for the building located at 1103 5th Street Southeast, in Minneapolis.
2. This matter previously came on for hearing before this board on April 11, 2000. The board made written findings of fact and conclusions, and recommended revocation of Mr. Eischens' rental dwelling license.
3. The City Council subsequently stayed the revocation of the license until November 2001, on the conditions that there be no further violations for conduct on the licensed premises, and that Mr. Eischens work cooperatively with Community Crime Prevention/SAFE to address problems at the property. The stay of revocation was signed by the Mayor.

4. On August 17, 2001, Minneapolis Police responded to a complaint of a noisy party at 1108 5th Street southeast, Minneapolis. Observing an illegal party, officers requested the participants disband. Several of those present walked across the street to the building located at 1103 5th Street Southeast.
5. The Inspections Division failed to meet its burden of proving by substantial evidence that anyone on the premises of 1103 5th Street Southeast engaged in loud, disturbing or excessive noise that would likely disturb or annoy any reasonable person in the area. It was not proven that anyone on the premises engaged in disorderly conduct.

CONCLUSIONS

1. The record contains substantial evidence that the SAFE unit and the Inspections Division followed the appropriate procedural steps and provided the necessary notices.
2. The Inspections Division failed to meet its burden of proving by substantial evidence that illegal conduct occurred at 1103 5th Street Southeast on August 17, 2001.
3. There is no factual basis to rescind the stay of revocation of the rental dwelling license held by Mr. Eischens.

RECOMMENDATION

That the rental dwelling license held by Jim Eischens for the premises at 1103 5th Street Southeast **not** be revoked.

Brian Bushay, Chairman